

Application No. 10/087,318
Amendment Dated May 17, 2005
Reply to Office Action of February 24, 2005

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed February 24, 2005.

In that Office Action, the Examiner rejected claims 4, 6 and 8 under 35 U.S.C. §102(b) as being "anticipated" by U.S. Patent No. 4,635,710 (*Shelley*); and rejected claims 5 and 10 under 35 U.S.C. §103(a) as having been "obvious" over *Shelley* in view of U.S. Patent No. 4,865,120 (*Shiroki*). The Examiner indicated that claim 12 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

This application now contains a total of eight claims. Of these, claim 4 is presented in independent form. Claims 5, 6, 8, 10, 12, 45 and 46 are dependent on independent claim 4. Such dependent claims are to be construed as incorporating all the limitations of the independent claim to which they refer, so if claim 4 distinguishes patentably from the prior art and is allowable, then each of its trailing dependent claims must so distinguish and be allowable. 35 U.S.C. §112. Consequently, the following remarks will focus on the reasons why the cited references do not teach or suggest the combination of features set forth in claim 1, as amended.

Claim 4 was rejected under 35 U.S.C. § 102(b) as being "anticipated" by *Shelley*. It is respectfully submitted that claim 4, as amended, distinguishes patentably from *Shelley*. In direct contrast to the teachings of *Shelley*, claim 1 as presently written calls for a throughbore that extends between first and second sides of a formed tray. *Shelley* does not teach or suggest such an arrangement. Accordingly, Applicant respectfully requested reconsideration of the rejection of claim 4 as amended. In order to "anticipate" a claim, a reference must disclose each and every element and limitation of the claim. *Hoover v. Custom Metal Craft, Inc.*, 66 F.3d 299, 302, 36 USPQ 1101, 1103


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(Fed. Cir. 1995). *Shelley* does not disclose each and every limitation of claim 4 as amended.

It is respectfully submitted that the foregoing amendments place the case in a condition for immediate allowance. This Amendment is believed to be fully responsive to the office action of February 24, 2005, is believed to squarely address each and every ground for objection and rejection raised by the Examiner, and is further believed to materially advance the prosecution of this application toward immediate allowance.

Respectfully submitted,

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CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 17th day of May, 2005.

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